

# **DISCLAIMER**

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## **APPLICATION OF**

**COLUMBIA GAS OF VIRGINIA, INC.**

**CASE NO. PUE-2001-00587**

**To Change Rates, Charges, Rules,  
and Regulations**

**PHASE II**

## **HEARING EXAMINER'S RULING**

**September 17, 2002**

On September 16, 2002, the Virginia Industrial Gas Users' Association ("VIGUA") filed a Motion to Dismiss the Proposed TS-1/TS-2 Schedule ("Motion to Dismiss") in this proceeding. In support of its Motion to Dismiss, VIGUA argues that Columbia Gas of Virginia, Inc. ("Columbia") has failed to show that the charges contained in the proposed TS-1/TS-2 schedule are cost based. Further, VIGUA argues that Columbia's proposals constitute an unlawful rate increase because Columbia previously obtained a rate increase effective July 1, 2002. Section 56-235.4.A of the Code of Virginia prohibits multiple rate increases within a twelve-month period.

The hearing in this matter is set for September 26, 2002. VIGUA requests oral argument and a ruling on the Motion to Dismiss prior to the commencement of the hearing. I find that the request for oral argument should be denied and the Motion to Dismiss should be taken under advisement. The hearing will commence in ten days and this argument is more properly made within the context of the case as a whole. Accordingly,

### **IT IS DIRECTED THAT:**

- 1) VIGUA's request for oral argument is hereby denied; and
- 2) VIGUA's Motion to Dismiss is taken under advisement.

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Howard P. Anderson, Jr.  
Hearing Examiner